

**5077. Adulteration and misbranding of orangeade and wild cherry cider.**  
**U. S. \* \* \* v. Star Bottling & Manufacturing Co., a corporation.**  
**Plea of guilty. Fine, \$100. (F. & D. No. 7261. I. S. Nos. 18655-k, 18659-k.)**

On June 28, 1916, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Star Bottling & Manufacturing Co., a corporation, Pullman, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 27, 1915, and on or about June 16, 1915, from the State of Washington into the State of Idaho of quantities of orangeade and wild cherry cider, respectively, which were adulterated and misbranded. The articles were labeled in part: "Concentrated Syrups Artesian Brand Guaranteed by the Star Bottling and Manufacturing Co. Pullman, Washington Orangeade" (or "Wild Cherry Cider," as the case might be) "Prepared with 1-10 of 1 per cent Benzoate of Soda and added vegetable color \* \* \* Star Bottling & Manufacturing Co. Pullman, Washington"

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the orangeade was sugar sirup, containing possibly a small amount of orange juice and color, strongly flavored with citric acid, and colored with coal-tar dye in imitation of orangeade sirup; and that the wild cherry cider was sugar sirup, containing little, if any, cider or wild cherry, strongly flavored with citric acid, and colored with coal-tar dye and cochineal in imitation of wild cherry.

Adulteration of the orangeade was alleged in the information for the reason that certain substances, to wit, a sugar sirup, flavored with citric acid and artificially colored with coal-tar dye, has been substituted, in whole or in part, for orangeade sirup, which said article purported to be; and for the further reason that it was an inferior product, to wit, a sugar sirup, flavored with citric acid and had been colored in a manner whereby its inferiority to genuine orangeade sirup was concealed.

Adulteration of the wild cherry cider was alleged for the reason that certain substances, to wit, a sirup, artificially colored and flavored, had been substituted, in whole or in part, for concentrated wild cherry cider sirup, which said article purported to be; and for the further reason that it was an inferior product, to wit, a sirup, artificially flavored, and had been colored in a manner whereby its inferiority to concentrated genuine wild cherry cider sirup was concealed.

Misbranding of the orangeade was alleged for the reason that the following statements regarding the article and ingredients and substances contained therein appearing on the label aforesaid, to wit, "Concentrated Syrups \* \* \* Orangeade," and "Prepared with 1-10 of 1 per cent Benzoate of Soda and added vegetable color," were false and misleading in that the first statement indicated to purchasers thereof that it was concentrated orangeade sirup, and the second that it contained, among other things, added vegetable color; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was concentrated orangeade sirup, and that it contained among other things, added vegetable color, when, in truth and in fact, it was not concentrated orangeade sirup, but was, to wit, a sugar sirup, flavored with citric acid and artificially colored with coal-tar dye in imitation of genuine orangeade sirup, and did not contain added vegetable color, but did contain, to wit, coal-tar dye. Misbranding was alleged for the further reason that the article was, to wit, a sugar sirup, flavored with citric acid and artificially colored with coal-tar dye, and was an imitation of, and

was offered for sale under the distinctive name of another article, to wit, "Concentrated Syrups \* \* \* Orangeade."

Misbranding of the wild cherry cider was alleged for the reason that the following statements regarding the article and the ingredients and substances contained therein, appearing on the labels aforesaid, to wit, "Concentrated Syrups \* \* \* Wild Cherry Cider," and "Prepared with 1-10 of 1 percent Benzoate of Soda and added vegetable color," were false and misleading in that the first statement indicated to purchasers thereof that it was concentrated wild cherry cider sirup and the second that it contained among other things added vegetable color; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was concentrated wild cherry cider sirup, and that it contained among other things added vegetable color, when, in truth and in fact, it was not concentrated wild cherry cider sirup, but was, to wit, a sirup artificially colored and flavored in imitation of genuine concentrated wild cherry cider sirup and did not contain added vegetable color, but did contain, to wit, cochineal and a coal-tar dye. Misbranding was alleged for the further reason that it was, to wit, a sirup artificially colored and flavored, and was an imitation of and was offered for sale under the distinctive name of another article, to wit, "Concentrated Syrups \* \* \* Wild Cherry Cider."

On July 7, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*